

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAVID F. EVANS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	1:07CV739
)	
THE CITY OF DURHAM,)	
NORTH CAROLINA, et al.,)	
)	
Defendants.)	

ORDER

For the reasons set forth in the Memorandum Opinion filed contemporaneously herewith,

IT IS ORDERED that the Motions to Dismiss [Doc. #117, 119, 120, 121, 123, 124, 125, 126, 127] are GRANTED IN PART and DENIED IN PART. As a result, IT IS ORDERED that Plaintiffs' claims will go forward against Defendant Nifong in Counts 1, 2, 3, 4, 13, and 14; against Defendants Gottlieb, Himan, Wilson, Clark, Meehan, and DSI in Counts 1, 2, 3, 13, and 14, plus Count 21 as to Defendant DSI; against Defendant Addison in Counts 4 and 13; against the City in Counts 1, 2, 3, and 4 (based on the allegations in Count 5), as well as in Counts 13, 14, 16, 17, and 23; and against Defendants Hodge, Baker, Chalmers, Russ, Council, Lamb, and Ripberger in Counts 1, 2, 3, 4, and 6.

IT IS THEREFORE ORDERED that all remaining claims are DISMISSED, including all of the claims asserted in Counts 7, 8, 9, 10, 11, 12, 15, 18, 19, 20, and 22. IT IS FURTHER ORDERED that the claim for punitive damages against the City is dismissed.

FINALLY, IT IS ORDERED that the City of Durham's Motion for Summary Judgment [Doc. #78] is DENIED at this time, without prejudice to the City raising the issues asserted therein as part of a comprehensive Motion for Summary Judgment at the close of discovery.

This, the 31st day of March, 2011.



James A. Beal
United States District Judge